

Attachment A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

AUG 24 2020

Keenan A. Davis

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

Your full name

FEDERAL CIVIL RIGHTS
COMPLAINT
(BIVENS ACTION)

v. LT. ABDUL AZIZ

Civil Action No.: 3:20CV155
(To be assigned by the Clerk of Court)

Nurse Senko

P.A. HOOVER

C/O M. LISTON

C/O C. OWENS

Enter above the full name of defendant(s) in this action

Groh
Trumble
Sims

I. JURISDICTION

This is a civil action brought pursuant to **Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)**. The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Name of Plaintiff: Keenan A. Davis Inmate No.: 16556027
Address: Federal Correctional Institution
Schuylkill P.O. Box 759 Mineville, PA 17954-0759

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

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B. Name of Defendant: LT. ABDUL AZIZ
 Position: LT
 Place of Employment: U.S.P Hazleton
 Address: Po. 2000 U.S.P Hazleton
Bruceston Mills West Virginia 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Because the
defendant was working when this
incident occurred.

B.1 Name of Defendant: Nurse Senko
 Position: Nurse
 Place of Employment: U.S.P Hazleton
 Address: Po. Box 2000 U.S.P Hazleton
Bruceston Mills West Virginia 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Because the
defendant was working when this
incident occurred.

B.2 Name of Defendant: P.A. Hoover
 Position: P.A.
 Place of Employment: U.S.P Hazleton
 Address: P.O. Box 2000 U.S.P Hazleton
Bruceston Mills West Virginia 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

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If your answer is "YES," briefly explain: Because the
defendant was working when this
incident occurred.

B.3 Name of Defendant: C/O M Lister
Position: Correctional Officer
Place of Employment: U.S.P Hazleton
Address: P.O. Box 2000 U.S.P Hazleton
Bruceston Mills West Virginia, 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Because the
defendant was working when this
incident occurred.

B.4 Name of Defendant: C/O C. OWENS
Position: Correctional Officer
Place of Employment: U.S.P Hazleton
Address: P.O. Box 2000 U.S.P Hazleton
Bruceston Mills West Virginia, 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Because the
defendant was working when this
incident occurred.

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B.5 Name of Defendant: _____
 Position: _____
 Place of Employment: _____
 Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/ Institution: Federal Correctional Institution Schuylkill

A. Is this where the events concerning your complaint took place?
☐ Yes ☒ No

If you answered "NO," where did the events occur?

U.S.P Hazleton P.O. Box 2000 Bruceston Mills, WV 26525

B. Is there a prisoner grievance procedure in the institution where the events occurred? ☒ Yes ☐ No

C. Did you file a grievance concerning the facts relating to this complaint in the prisoner grievance procedure?
☒ Yes ☐ No

D. If your answer is "NO," explain why not: _____

E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed

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and state the result at level one, level two, and level three. **ATTACH GRIEVANCES AND RESPONSES:**

LEVEL 1 Sent to Warden

LEVEL 2 Sent to Regional

LEVEL 3 Filed tort claim

IV. PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? ☐ Yes ☒ No

B. If your answer is "YES", describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: "IV PREVIOUS LAWSUITS"

1. Parties to this previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court: _____
(If federal court, name the district; if state court, name the county)

3. Case Number: _____

4. Basic Claim Made/Issues Raised: _____

5. Name of Judge(s) to whom case was assigned: _____

6. Disposition: _____
(For example, was the case dismissed? Appealed? Pending?)

7. Approximate date of filing lawsuit: _____

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8. Approximate date of disposition. Attach Copies: _____
- C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B?
☐ Yes ☒ No
- D. If your answer is "YES," briefly describe how relief was sought and the result. If your answer is "NO," explain why administrative relief was not sought.
I need proper representation

- E. Did you exhaust available administrative remedies?
☒ Yes ☐ No
- F. If your answer is "YES," briefly explain the steps taken and attach proof of exhaustion. If your answer is "NO," briefly explain why administrative remedies were not exhausted.
I filed a b# 0, 9, and a tort
claim

- G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label "G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS"
1. Parties to previous lawsuit:

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Plaintiff(s): _____

Defendant(s): _____

2. Name and location of court and case number:

3. Grounds for dismissal: ☐ frivolous ☐ malicious
☐ failure to state a claim upon which relief may be granted

4. Approximate date of filing lawsuit: _____

5. Approximate date of disposition: _____

V. STATEMENT OF CLAIM

State here, as **BRIEFLY** as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. **You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint.** Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. **UNRELATED CLAIMS MUST BE RAISED IN SEPARATE COMPLAINTS WITH ADDITIONAL FILING FEES. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)**

CLAIM 1: On October 6, 2018 circa 1:30 AM, while in my cell I had been experiencing excruciating pain in my Abdomen. We were locked in at this time so to be removed from the cell it must be extraordinary circumstance, not limited to a medical emergency to the dorm officer.

Supporting Facts: _____

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instead of being escorted to health services I was placed in a shake down cell on the stretcher in the Lieutenants office in pain for two hours then Nurse Senko arrived I explained my pain. Nurse Senko took my vitals and left without checking my abdomen.

CLAIM 2: _____

Supporting Facts: _____

CLAIM 3: _____

Supporting Facts: _____

CLAIM 4: _____

Supporting Facts: _____

ADDENDUM I

DAVIS, KEENAN A

CONTINUATION Pg 8+9 B

Defendant 6:

HUNT

Correctional Officer

USP HAZELTON P.O. Box 2000

Bruceston Mills, WV 26525

Defendant 7:

COAKLEY, JOE

Complex Warden

USP HAZELTON P.O. Box 2000

Bruceston Mills, WV 26525

CONTINUATION Pg 14 9 III (C)

where I told her my pain was at. The pain was a level 10 (10 being the most intense). I lay on the stretcher circa two more hours or so, sweating in pain when at 6:30 AM (circa) Nurse SANKO returned with PA Hoover. They simply checked my temperature and blood pressure, then left without checking my abdomen. At circa 8:30 AM

ADDENDUM II

DAVIS, KEENAN A # 16556-027

NO change for the better, persistent pain, unable to move/walk was ordered by Lt Abdul Aziz (Defendant 3) to return to my Unit (D-2). I had been vomiting, I was weak, and excruciating pain. I told Lt Abdul Aziz I couldn't get up or walk. With several other officers standing around Officer Hunt (Def No. 6) encouraged and helped Officer M. Liston (Def No 4) and Officer C. Owens (Def No. 5) roll me off of the stretcher onto the floor where I curled up into a fetal position in unbearable pain. Officer's Liston, Hunt and Owens (Def's) were laughing at me, telling me to stop faking and to get up. When I did not/could not, Lt. Abdul Aziz told Officer Liston and Owens to take me back to my Unit. At that time Officer Hunt (Def 6) laughed and said "snatch his ass up!" Officer M. Liston (Def 4) and Officer C. Owens (Def 5) grabbed my upper arms and shoulders and carelessly/wrecklessly pulled me off the floor. One¹ officer got under one arm pit while the other officer got under the other arm pit. I felt like passing out from the pain. Officer Hunt (Def 6) told the two officers "drag his ass back to the unit!" As the two officers walked, at times my feet/shoes were dragging and at times I could barely use

¹ Officer M. Liston ² Officer C. Owens

ADDENDUM III

DAVIS, KEENAN A # 16556-027

my tiptoes to lift my feet. The pain was intense I defacated in my boxers. All the while both Officers/Def's) taunted me by telling me it would be a lot easier if I would quit faking. Upon entering the sallyport of Unit D-2, Officers M. Liston and C. Owens handed me over to another Officer. That officer stated to me "you look fucked up!" He assisted me to my room. When that officer left my cell, I was embarrassed by the defacation so it took all my energy to change clothes.

On this same day, circa 12 noon, Unit Manager Jones came onto the D-2 dorm. Numerous inmates told UM Jones of my situation. He entered my cell and observed the shape I was in and radioed medical about my worsening/deteriorating state. It took medical staff circa 3 hours to send for an inmate to go to medical to get a wheelchair to pick me up and be wheeled to medical. Inmate Bobby Ball got the wheelchair and picked me up and pushed me to medical. Once again I was seen by Nurse Sanko and PA Hoover. Once again my temperature and blood pressure was taken. However, this time they took my urine sample was collected. One of them said there was blood in my urine. I had also expressed my "stool" was black. I was not

ADDENDUM IV

DAVIS, KEENAN A # 16556-027

seen by a doctor nor the clinical director, but I was transported to the "outside" emergency room at Mons (sp) Hospital.

Upon Arrival at the emergency room, the attending doctor had tests performed. A short time later I was advised I required surgery and blood infusion/transfusion. I was soon thereafter taken to the operating room where surgery was performed to repair ulcer ruptures. After surgery, the surgeon advised me that the ruptures came from physical force trauma. I know I had done nothing to cause them. These ruptures were caused by Officer's Hunt, C. Owens, and M. Liston (Def's) rolling me off the stretcher onto the floor and Officer's C. Owens and M. Liston (Def's) exacerbated the damage by dragging me to my Unit despite my crying in pain. Lt. Abdul Aziz ordered the action despite my pain and condition. I remained hospitalized from October 6, 2018 until October 25, 2018, in pain and now have a large unattractive scar from the surgery.

Upon returning to prison, my bandage was ordered to be changed. Nurse Sanko and PA Hoover refused me on October 26th and 27th, 2018. Warden Coakley (Def) was notified but did nothing about it.

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CLAIM 5:

Supporting Facts:

VI. INJURY

Describe **BRIEFLY and SPECIFICALLY** how you have been injured and the exact nature of your damages.

As to Defendants Sanico and Hoover, they neglected me proper and sufficient medical care which lead to pain and suffering permanent body scar from surgery and a blood transfusion, cruel and unusual punishment for failing to change my bandages All other defendants they all used painful unnecessary force by ordering and obeying order to roll me off the stretcher to floor and dragging me (All on camera) to unit D7 and making me defecate causing pain and suffering mental anguish.

VII. RELIEF

State **BRIEFLY and EXACTLY** what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

I seek \$100,000 from each defendant for cruel and unusual punishment, \$500,000 from each defendant for causing pain and suffering, and \$500,000 from each defendant for mental anguish.

ADDENDUM V

DAVIS, KEENAN A # 16556-027

Continuation from Pg 15 ¶ V

to use UNNECESSARY use of force, which lead to ruptured ulcers which lead to surgery and blood transfusion, all of which were UNNECESSARY, cruel and unusual, creating pain and suffering, mental anguish and permanent body scars.

Continuation from Pg 15 ¶ VI

- \$ 50,000 from each defendant for mental anguish
- \$ 75,000 from Defendants Abdul Aziz, C. Owens, Hunt and M. Liston for causing the rupture.
- \$ 100,000 from Defendant Coakley for neglecting his duty.

Continuing from Pg 1 ¶ Defendants

NAME of Defendant 6: C/O HUNT

NAME of Defendant 7: Warden Joe Coakley

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DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at F.C.I Schuykill on 8-5-20.
(Location) (Date)

Kameron A. Davis
Your Signature